

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Movin'on Transportation v Viron International Corporation**

Docket No. **279080**

L.C. No. **05-002921-PZ**

E. Thomas Fitzgerald, Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal is DISMISSED by for lack of jurisdiction because June 12, 2007 order does not fall within MCR 7.202(6)(a)(iv). If it was the intent of the Supreme Court to make every postjudgment order that assessed attorney fees a final order under MCR 7.202(6)(a)(iv), the court rule would simply read, "a postjudgment order awarding or denying attorney fees and costs." However, by adding the language "under MCR 2.403, MCR 2.405, MCR 2.625 or other law or court rule" ... the Supreme Court was clearly limiting the type of postjudgment order regarding attorney fees and costs. MCR 2.403, MCR 2.405, and MCR 2.625 all involve attorney fees and costs incurred prior to entry of the MCR 7.202(6)(a)(i) final order. Pursuant to the principle of *ejus generic* when a nonspecific phrase follows specific examples, the unnamed must be of the same nature as the specifically named items. That means the "other law or court rule" must involve attorney fees and costs incurred prior to entry of the MCR 7.202(6)(a)(i) final order. Examples would include attorney fees and costs under the Elliott-Larson Act, Open Meeting Act, Freedom of Information Act, and MCR 2.114(F). In this case the attorney fees were incurred after entry of the MCR 7.202(6)(a)(i) final order. See docket number 266074. The Court finds that the Supreme Court order in *Williams v AAA Michigan*, 477 Mich 853(2006) is not applicable because it does not discuss the phrase, "under MCR 2.403, MCR 2.405, MCR 2.625 or other law or court rule." Any appeal by appellant regarding attorney fees must be by application for leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 20 2007
Date

Sandra Schultz Mengel
Chief Clerk